

that have been made to the claims in this case were by Preliminary Amendment filed in February 2001, nearly 2½ years **prior to** the effective date of the amendment procedure specified in 37 CFR 1.121. Thus, the cited rules are inapplicable.

If however, the rules are impliedly being applied to the Preliminary Amendment filed in February 2001, it is respectfully submitted that it is unreasonable and improper to retroactively require Applicants to comply with a rule that was not in effect at the time a paper was filed. Accordingly, withdrawal of the Notice of Non-Compliant Amendment is respectfully requested.

**AUTHORIZATION**

It is respectfully believed that no additional fees (over and above the extension fee) are required for consideration of this paper. However, should this not be the case, the Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 3801-4000US1.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: February 17, 2006

By: \_\_\_\_\_

Richard Straussman  
Registration No. 39,847

**CORRESPONDENCE ADDRESS:**  
MORGAN & FINNEGAN, L.L.P.  
Three World Financial Center  
New York, New York 10281-2101  
(212) 415-8700 Voice  
(212) 415-8701 Facsimile